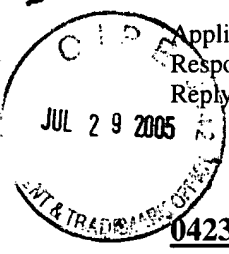


17u



Application No.: 10/721,441  
Response To Restriction Requirement dated July 27, 2005  
Reply to Office Action of June 27, 2005

042390.P16669

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|  |   |                       |
|--|---|-----------------------|
| In re Application of:                  | ) |                       |
|  | ) |                       |
| Alan M. Myers                          | ) | Examiner: Lee, Eugene |
|  | ) |                       |
| Serial No.: 10/721,441                 | ) | Art Unit: 2815        |
|  | ) |                       |
| Filing Date: November 24, 2003         | ) | Conf. No.: 7136       |
|  | ) |                       |
| For: SELF-ALIGNED ELECTRODES CONTAINED | ) |                       |
| WITHIN THE TRENCHES OF AN              | ) |                       |
| ELECTROSMOTIC PUMP                     | ) |                       |

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

In response to the Office Action mailed June 27, 2005, Applicants elect to prosecute the claims of group II, claims 1-16, drawn to a method of making a semiconductor device, classified in class 438, subclass 1+. As such, the Applicants elect to cancel group I, Claims 17-30, drawn to a semiconductor device, classified in class 257, subclass 712 without transverse. The Applicant reserves the right pursuant to 35 U.S.C. § 121 to file one or more divisional applications directed towards the non-elected inventions during the pendency of the current application.

Application No.: 10/721,441  
Response To Restriction Requirement dated July 27, 2005  
Reply to Office Action of June 27, 2005

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 7/27, 2005

H M Moleur  
Heather M. Moleur  
50,432

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

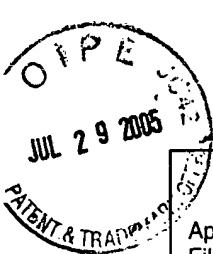
Date of Transmission July 27, 2005

Vanessa Sanchez

(Typed or printed name of person transmitting paper)

Vanessa Sanchez

(Signature of person transmitting paper)



**TRANSMITTAL**

**PATENT**

Application No.: 10/721,441  
Filing Date: November 24, 2003  
First Named Inventor: Alan M. Myers  
Examiner's Name: Lee, Eugene  
Art Unit: 2815  
Attorney Docket No.: 042390.P16669

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☒ Other: Response to Restriction Requirement
- ☐ Other: \_\_\_\_\_
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Heather M. Moleur

SIGNATURE: H. Moleur

REG. NO.: 50,432

DATE: 7/27/05

ADDRESS: 12400 Wilshire Boulevard, Seventh Floor

Los Angeles, California 90025

TELEPHONE NO.: (408) 720-8300

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on 7/27/05

Date of Deposit

Vanessa Sanchez

Name of Person Mailing Correspondence

Vanessa Sanchez

Signature

7/27/05

Date

Express Mail Label No. (if applicable): \_\_\_\_\_

**Send to:** COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450

(10/14/03)

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** 0.00

Complete if Known:

Application No. 10/721,441  
 Filing Date November 24, 2003  
 First Named Inventor Alan M. Myers  
 Examiner Name Lee, Eugene  
 Art Unit 2815  
 Attorney Docket No. 042390.P16669

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)
**Deposit Account**Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.  
 Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| <u>Large Entity</u> |                 | <u>Small Entity</u> |                 | <u>Fee Description</u>             |           | <u>Fees Paid (\$)</u> |
|---------------------|-----------------|---------------------|-----------------|------------------------------------|-----------|-----------------------|
| <u>Fee Code</u>     | <u>Fee (\$)</u> | <u>Fee Code</u>     | <u>Fee (\$)</u> |                                    |           |                       |
| 1011                | 300             | 2011                | 150             | Utility application filing fee     |           |                       |
| 1111                | 500             | 2111                | 250             | Utility search fee                 | 1,000/500 |                       |
| 1311                | 200             | 2311                | 100             | Utility examination fee            |           |                       |
| 1012                | 200             | 2012                | 100             | Design application filing fee      |           |                       |
| 1112                | 100             | 2112                | 50              | Design search fee                  | 430/215   |                       |
| 1312                | 130             | 2312                | 65              | Design examination fee             |           |                       |
| 1013                | 200             | 2013                | 100             | Plant filing fee                   |           |                       |
| 1113                | 300             | 2113                | 150             | Plant search fee                   | 660/330   |                       |
| 1313                | 160             | 2313                | 80              | Plant examination fee              |           |                       |
| 1004                | 300             | 2004                | 150             | Reissue filing fee                 |           |                       |
| 1114                | 500             | 2114                | 250             | Reissue search fee                 | 1,400/700 |                       |
| 1314                | 600             | 2314                | 300             | Reissue examination fee            |           |                       |
| 1005                | 200             | 2005                | 100             | Provisional application filing fee |           |                       |
| <b>SUBTOTAL (1)</b> |                 |                     |                 |                                    |           | <b>\$ 0.00</b>        |

**2. EXCESS CLAIM FEES**

|   |                          | <u>Extra Claims</u> | <u>Fee from below</u> | <u>Fees Paid (\$)</u> |
|---|--------------------------|---------------------|-----------------------|-----------------------|
| <b>Total Claims</b>   | _____ - 20 or HP = _____ |                     | X \$50.00             | = _____               |
| HP = highest number of total claims paid for, if greater than 20      |                          |                     |                       |                       |
| <b>Independent Claims</b>   | _____ - 3 or HP = _____  |                     | X \$200.00            | = _____               |
| HP = highest number of independent claims paid for, if greater than 3 |                          |                     |                       |                       |
| <b>Multiple Dependent Claims</b>                                      | _____                    |                     |                       | = _____               |

| <u>Large Entity</u> |          | <u>Small Entity</u> |          |  |
|---------------------|----------|---------------------|----------|--|
| Fee Code            | Fee (\$) | Fee Code            | Fee (\$) | <u>Fee Description</u>   |
| 1202                | 50       | 2202                | 25       | Each claim over 20   |
| 1201                | 200      | 2201                | 100      | Each independent claim over 3                                    |
| 1203                | 360      | 2203                | 180      | Multiple dependent claims, if not paid                           |
| 1204                | 200      | 2204                | 100      | Reissue: each claim over 20 and more than in the original patent |
| 1205                | 50       | 2205                | 25       | Reissue: each independent claim more than in the original patent |

**SUBTOTAL (2) \$ \_\_\_\_\_**

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each add'l 50 or fraction thereof</u> | <u>Fee from below</u> | <u>Fees paid (\$)</u> |
|---------------------|---------------------|--|-----------------------|-----------------------|
| _____               | - 100 = _____       | / 50 = _____ (round up to whole number)            | X \$250.00            | _____                 |

| <u>Large Entity</u> |          | <u>Small Entity</u> |          |                        |
|---------------------|----------|---------------------|----------|------------------------|
| Fee Code            | Fee (\$) | Fee Code            | Fee (\$) | <u>Fee Description</u> |
| 1081                | 250      | 2081                | 125      | Utility                |
| 1082                | 250      | 2082                | 125      | Design                 |
| 1083                | 250      | 2083                | 125      | Plant                  |
| 1084                | 250      | 2084                | 125      | Reissue                |

**SUBTOTAL (3) \$ \_\_\_\_\_**

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

|   |          |                     |          | <b>Fees Paid (\$)</b>  |                |
|---|----------|---------------------|----------|--|----------------|
| Non-English Specification, \$130 fee (no small entity discount) |          |                     |          |  |                |
| <u>Large Entity</u>   |          | <u>Small Entity</u> |          |  |                |
| Fee Code  | Fee (\$) | Fee Code            | Fee (\$) | Fee Description  |                |
| 1051  | 130      | 2051                | 65       | Surcharge - late filing fee or oath  |                |
| 1052  | 50       | 2052                | 25       | Surcharge - late provisional filing fee or cover sheet                     |                |
| 1053  | 130      | 1053                | 130      | Non-English specification  |                |
| 1812  | 2,520    | 1812                | 2,520    | For filing a request for ex parte reexamination                            |                |
| 1813  | 8,800    | 1813                | 8,800    | Request for inter parties reexamination                                    |                |
| 1804  | 920*     | 1804                | 920*     | Requesting publication of SIR prior to Examiner action                     |                |
| 1805  | 1,840*   | 1805                | 1,840*   | Requesting publication of SIR after Examiner action                        |                |
| 1251  | 120      | 2251                | 60       | Extension for reply within first month                                     |                |
| 1252  | 450      | 2252                | 225      | Extension for reply within second month                                    |                |
| 1253  | 1,020    | 2253                | 510      | Extension for reply within third month                                     |                |
| 1254  | 1,590    | 2254                | 795      | Extension for reply within fourth month                                    |                |
| 1255  | 2,160    | 2255                | 1,080    | Extension for reply within fifth month                                     |                |
| 1401  | 500      | 2401                | 250      | Notice of Appeal   |                |
| 1402  | 500      | 2402                | 250      | Filing a brief in support of an appeal                                     |                |
| 1403  | 1,000    | 2403                | 500      | Request for oral hearing   |                |
| 1451  | 1,510    | 1451                | 1,510    | Petition to institute a public use proceeding                              |                |
| 1452  | 500      | 2452                | 250      | Petition to revive - unavoidable   |                |
| 1453  | 1,500    | 2453                | 750      | Petition to revive - unintentional   |                |
| 1501  | 1,400    | 2501                | 700      | Utility issue fee (or reissue)   |                |
| 1502  | 800      | 2502                | 400      | Design issue fee   |                |
| 1503  | 1100     | 2503                | 550      | Plant issue fee  |                |
| 1462  | 400      | 1462                | 400      | Petitions to the Commissioner (CFR 1.17(f) Group I)                        |                |
| 1463  | 200      | 1463                | 200      | Petitions to the Commissioner (CFR 1.17(g) Group II)                       |                |
| 1464  | 130      | 1464                | 130      | Petitions to the Commissioner (CFR 1.17(h) Group III)                      |                |
| 1807  | 50       | 1807                | 50       | Processing fee under 37 CFR 1.17(q)  |                |
| 1806  | 180      | 1806                | 180      | Submission of Information Disclosure Stmt                                  |                |
| 8021  | 40       | 8021                | 40       | Recording each patent assignment per property (times number of properties) |                |
| 1809  | 790      | 2809                | 395      | For filing a submission after final rejection (see 37 CFR 1.129(a))        |                |
| 1814  | 130      | 2814                | 65       | Statutory Disclaimer   |                |
| 1810  | 790      | 2810                | 395      | For each additional invention to be examined (see 37 CFR 1.129(b))         |                |
| 1801  | 790      | 2801                | 395      | Request for Continued Examination (RCE)                                    |                |
| 1802  | 900      | 1802                | 900      | Request for expedited examination of a design application                  |                |
| 1504  | 300      | 1504                | 300      | Publication fee for early, voluntary, or normal pub.                       |                |
| 1505  | 300      | 1505                | 300      | Publication fee for republication  |                |
| 1803  | 130      | 1803                | 130      | Request for voluntary publication or republication                         |                |
| 1808  | 130      | 1808                | 130      | Processing fee under 37 CFR 1.17(i) (except provisionals)                  |                |
| 1454  | 1,370    | 1454                | 1,370    | Acceptance of unintentionally delayed claim for priority                   |                |
| Other fee (specify) _____                                       |          |                     |          |  |                |
| Other fee (specify) _____                                       |          |                     |          |  |                |
|   |          |                     |          | <b>SUBTOTAL (4)</b>  | <b>\$ 0.00</b> |

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Heather M. MoleurSignature: Date: 7/27/05Reg. Number: 50,432Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450